

# 120-Day Permit Process

Bulletin  
**#56**

## 1 For permits requiring a public hearing with a Hearing Examiner:

- Conditional Use Permits
- Subdivisions (not including short subdivisions)
- Rezones
- Special Use Permits
- Zoning Variances

## 2 For administrative permits which do not require a public hearing:

- Commercial Building Permits subject to SEPA
- Grading Permits subject to SEPA
- Shoreline Permits

### INTRODUCTION

## A Road Map through the Permit Review Process

Snohomish County is committed to working with you. Our goals are to be responsive to our diverse customers and communities, and to be fair, accountable and efficient.

We believe you are entitled to full knowledge and understanding of the permit review process. This bulletin provides a road map for you to follow as you go through the process from application through appeals. It also gives you a list of resource agencies and a glossary of commonly used terms.

We have worked hard to improve our permit review process so we can serve you better. We created the 120-day permit review process (or “120-Day Clock”) for many of our permits, which means most permit applications will be processed within 120 days of County review time. Now you can know ahead of time what will happen with your permit review process—and when.

The process doesn’t affect your permit application’s chances of approval—only the time it takes for you to get an answer. Time frames for individual applications may vary and our staff can tell you how long yours will take.

You can do your part by submitting a complete application and by meeting all your various application deadlines.

We hope this bulletin answers most of your questions on the permit review process. If you have additional questions please call, e-mail or visit us and we’ll be happy to help. After all, a good working relationship depends on good communication.



## QUESTIONS AND ANSWERS

### Understanding the Process

**Q:** What is the goal of the permit review process?

**A:** To consolidate and compress the process so the County can make a decision within 120 days of the time you submit a completed application.

**Q:** Will my application be approved in 120 days?

**A:** Not necessarily. The 120-day permit process does not guarantee approval. It is only the time frame in which the steps necessary to reach a decision need to be completed. The “120-day clock” is only ticking when we are actively working on processing your permit.

There may be times when the 120-day clock stops, extending the overall length of time your application may take to be processed. This is usually when something out of our control needs to happen before we can continue processing. For example, any time you have been asked by the County to correct plans, perform required studies or provide additional information, the clock stops until you comply.

Here are some typical situations that stop the clock:

- If you have been asked to supply additional information on your application, the clock will not restart until you give us the needed information.
- If your project is determined to have a significant impact on the surrounding ecosystem, an Environmental Impact Statement (EIS) will be required. The clock stops while the EIS is prepared.
- If you fail to give us verification within 15 days that you have posted a sign at the project site.

So, although the County has 120 days to complete the permit process, the actual time lapsed from when you submit an application to completion could be well over 120 days.

**Q:** What permits fall within the 120-day timeline?

**A:** Unless specifically exempted by code, all permits are subject to the 120-day clock process.

**Q:** What permits do **not** require a public hearing?

**A:** Administrative permits such as the following:  
■ Commercial Building Permits  
■ Grading Permits  
■ Single Family  
(The decisions on these permits are made administratively by PDS staff.)

**Q:** What permits do **not** fall within the 120-day process?

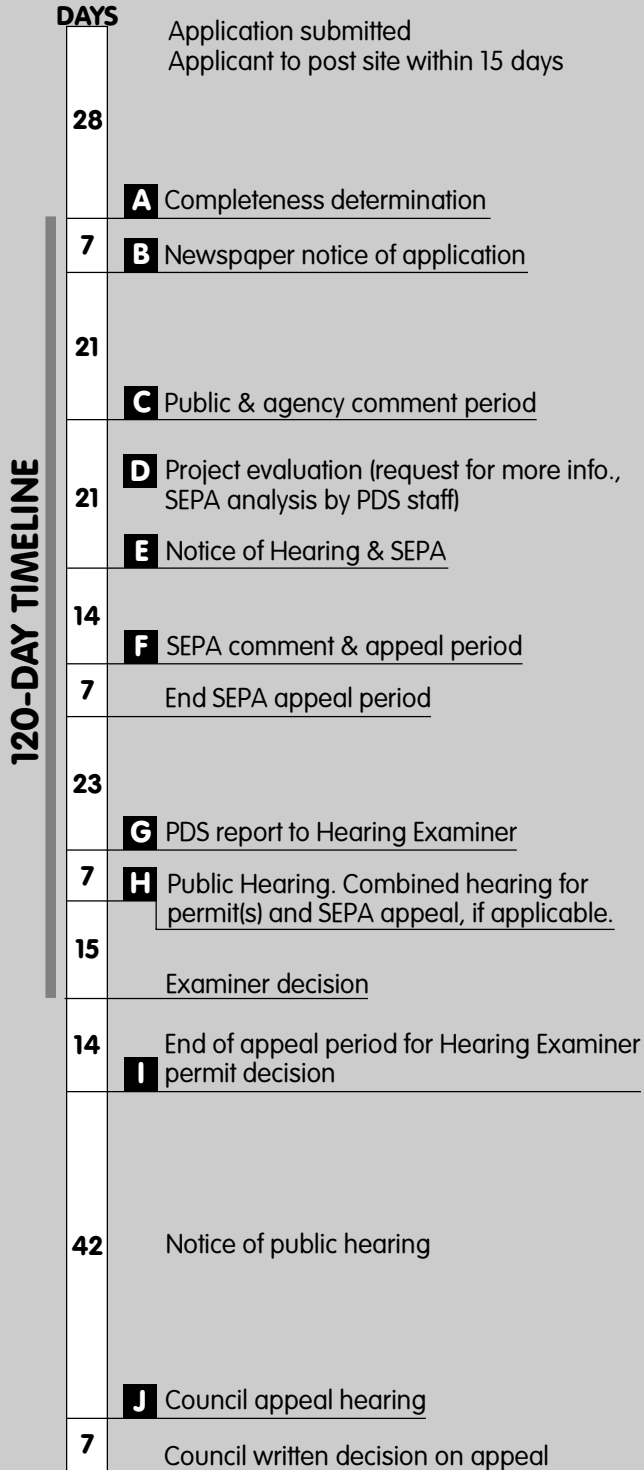
**A:** The following permits are exempt from the 120-day process:

- All administrative projects for which final approval may be granted by PDS and which are categorically exempt from environmental review under Title 23 SCC;
- The following administrative project permits for which final approval may be granted by PDS and which are not categorically exempt from environmental review under Title 23 SCC:
  - Single-family residential, mobile home, or duplex permits, including accessory structures;
  - Grading permits associated with single-family residential, mobile home or duplex construction;
  - Temporary dwelling permits;
  - Accessory apartment permits;
  - Flood hazard permits for single-family residential or duplex construction; and
  - Short subdivisions;
    - Final plat approval;
    - Landmark designations; and
    - Approvals relating to the use of public areas and facilities, other than right-of-way transactions subject to Title 13 SCC which are not “project permits” subject to chapter 32.50 SCC.

**Q:** How long will it take to prepare an EIS?

**A:** The maximum overall time period allowed for preparing an EIS is 17 months, however the length of time may vary depending on the type of development proposal you are submitting and the scope of the environmental review required.

PUBLIC HEARING REQUIRED



## The 120-Day Clock

### **A Application submission and completeness determination**

The permit process begins with the application. Be sure to read over the application carefully. You will be given a checklist of required items to make your application complete.

Each type of permit application has certain submission requirements needed to process the application. When you pick up an application, you will be given a checklist for the particular permit you are requesting. Read it over carefully and ask any questions you may have. After you submit your application, PDS staff will compare your paperwork to the checklist and determine within 28 days of filing your application whether you have included all the information needed for a complete application.

If your application is not complete, PDS will notify you within 14 days and tell you what is needed to make it complete. When your application is determined to be complete, the 120-day clock begins ticking.

Whenever possible, we will let you know which other agencies may be involved in reviewing your particular application. We also may give you other information, such as which development regulations apply to your particular permit. We may make a preliminary consistency determination at this time.

Also at this time, PDS staff will request any additional information needed to conduct the SEPA review.

### **B Public notice of application**

PDS staff will attempt to notify anyone who may have an interest in or be affected by the proposed project. Any interested parties then will have 21 days to comment.

Once an application has been determined to be complete, PDS has seven days to notify the public. We will do this by publishing a notice in a newspaper and by mailing a notice of application to each nearby property owner and/or other appropriate reviewing agencies.

You are responsible for posting two or more notice signs, which must meet County standards, in a conspicuous spot at the proposed site. You must return verification of the sign posting within 15 days of submission of your application. Failure to do so will stop the clock.

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### **C Public and agency comment period**

Once the public and agencies have been notified of your permit application, they have a 21-day period to review the application and submit comments. (Projects involving shoreline development have a 30-day public and agency review period.)

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### **D PDS staff project evaluation**

Every permit application will be reviewed for consistency with Growth Management Act development regulations and/or a comprehensive plan for the area in which your site is located. Staff will look at how closely your project matches the allowable land uses, density of development, public facilities and services, and development standards for that site. They also may make a consistency determination.

PDS staff also will look at all information relating to environmental issues and the likely SEPA threshold determination—a Determination of Significance (DS) or a Determination of Non-Significance (DNS) regarding a project's environmental impact. If no additional information is requested and a DNS is issued, then a public hearing before the Hearing Examiner is scheduled.

If additional information is requested or if a SEPA Determination of Significance (DS) is issued, the clock stops. If a DS is issued, an EIS will need to be prepared, typically within 17 months or less.

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### **E Notice of hearing date and SEPA**

A SEPA threshold determination is made after the public comment period:

PDS will issue a combined public notice when a DNS is issued. This notice satisfies requirements for SEPA notices, public hearing notices and potential SEPA appeal hearing notices. (If a SEPA appeal is filed, the appeal hearing will be combined with the project hearing.)

If a permit requires a hearing, the SEPA determination will be issued by day 49 of the 120-day review period.

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### **F SEPA comment and appeal period**

SEPA appeals are made to the Examiner. The hearing is combined with the underlying permit hearing (except in cases of a DS). For a threshold determination that does not require a comment period, a 14-day appeal period will begin when the determination is issued. For a determination that does require a comment period, the appeal period will begin at the same time as the comment period.

Any appeal of a DS (which requires an EIS) must be made to the Examiner. Such appeals will be conducted separately before the underlying project is considered.

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### **G Staff report to Hearing Examiner**

PDS will prepare a report/recommendation for the Examiner. The report will include a consistency determination recommendation and response to any appeals. This report will be sent to the Examiner seven days prior to the hearing so the Examiner may review the information.

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### **H Public hearing and Hearing Examiner decision**

At the public hearing, the Examiner will consider the proposed permit application based on several factors, including information on the application, observations from site inspections, written comments from interested persons, advice of County departments, and views expressed during the public hearing. The hearing may be continued no more than four days, unless you voluntarily stop the 120-day clock. The Examiner may request additional information, but must make a decision within 15 days of the close of the hearing. You may request a reconsideration of the decision if you agree to waive the 120-day time line requirements.

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### **I Appeal period for Hearing Examiner permit decision**

A 14-day appeal period begins when the permit decision is issued or when a decision is reached on a reconsideration. You may appeal the decision by

## THE 120-DAY CLOCK

requesting a closed-record hearing before the County Council. The Hearing Examiner will issue a decision on the appeal within 60 days of the filing of the appeal.

The County Council will give its decision verbally at the end of the closed-record hearing. A written County Council decision on the appeal is normally issued within seven days of the appeal hearing, although the Council is allowed up to 15 days, as long as the total appeal time does not exceed 60 days.

### J Other appeal processes

- You may appeal to Snohomish County Superior Court in response to appeals filed under SEPA and to appeals of administrative permits issued by PDS.
- You may appeal to the County Council in response to Examiner decisions on project permits. A Council decision on an appeal then may be further appealed to Snohomish County Superior Court.
- You may appeal to the State Shoreline Hearings Board in response to shoreline substantial development permits issued by either PDS or the Examiner.

## The 120-Day Clock for Administrative Decisions **not** Requiring a Public Hearing

Some permit applications fall under the 120-day review clock but do not require a public hearing. The flowchart illustrates the process.

### A Application submission and completeness determination

Same as for permits requiring a hearing.

### B Public notice of application

Same as for those requiring a hearing.

### C Public and agency comment period

Same as for those requiring a hearing.

### D PDS staff project evaluation

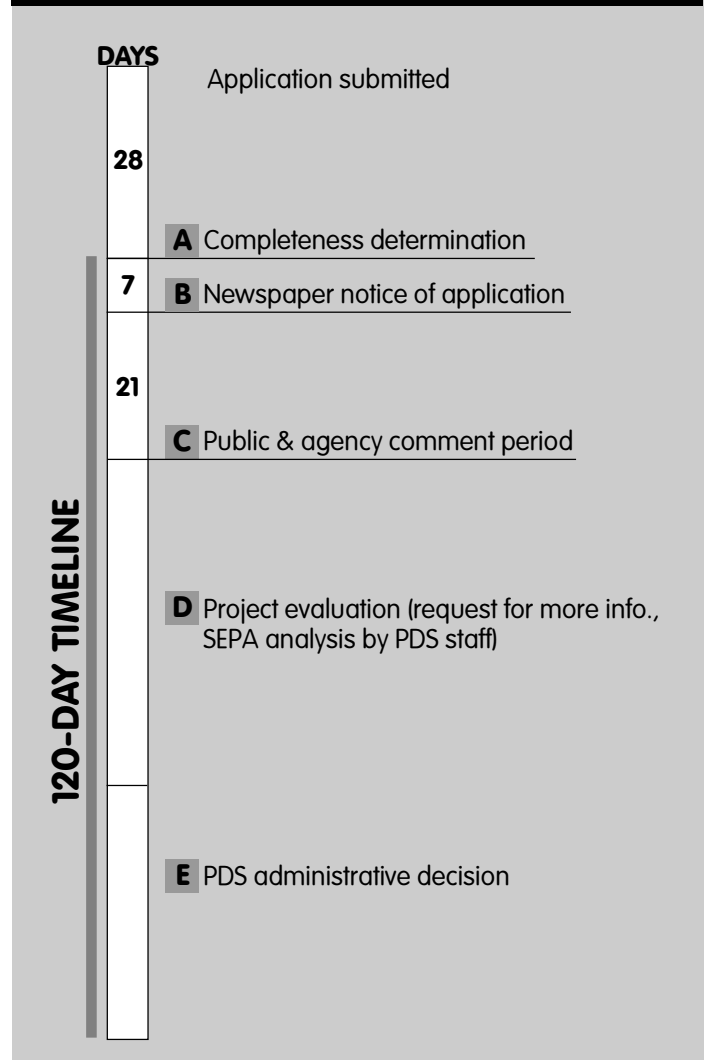
Same as for those requiring a hearing.

### E PDS administrative decision

PDS staff will consider the proposed permit application based on several factors, including information on the application, observations from site inspections, written comments from interested persons, and advice from County departments or other agencies. We may request that you furnish new information in addition to that required for the application. A decision will be issued within 120 days of a completeness determination.

You may appeal the decision to a Hearing Examiner. An Examiner decision on your appeal will be issued within 90 days of the PDS project decision.

## NO PUBLIC HEARING REQUIRED



## COUNTY AND STATE AGENCIES

**During the permit application process, you may be dealing with a number of the following County and State agencies.**

### Snohomish County Agencies

- **Department of Planning & Development Services (PDS).** The primary agency responsible for processing building permit and land use applications. PDS reviews all permits to determine the steps required to complete the process. Different types of projects require different permit review steps. (425) 388-3311
- **Department of Public Works (DPW).** Analyzes project designs to ensure safe traffic movement and conditions. DPW also assesses the creation of streets, alleys and bridges, and other issues related to the public transportation system. (425) 388-3488
- **County Hearing Examiner.** Makes final decisions for all permits requiring a public hearing. The Examiner also considers and rules on modifications and variations to code requirements, and makes decisions on appeals for permits issued by PDS. (425) 388-3538
- **County Council.** Reviews and rules on decisions by the Hearing Examiner, accepts dedication of new County road rights-of-way, and adopts County codes. (425) 388-3494
- **Department of Parks & Recreation (DPR).** Determines the impact of proposed projects on County parks and recreational facilities. (425) 388-6620
- **Snohomish Health District (SHD).** Reviews compliance with health regulations regarding on-site sewage disposal, septic tanks and drainfields, and on-site potable water supply where applicable. A written statement of compliance with health regulations is required for project approval. (425) 339-5270

### Washington State Agencies

- **Department of Fish and Wildlife (DFW).** Sets standards and regulates building projects involving streams, stream corridors and watershed issues. (360) 902-2534
- **Department of Transportation (WSDOT).** Issues permits for projects that will access from or otherwise impact Washington State Highways. (360) 664-9494
- **Department of Ecology (DOE).** Evaluates projects' environmental documents for compliance with Clean Air and Clean Water acts adopted by the state. (206) 649-7000

### Other Agencies

- **Utility Companies.** Local water districts must be contacted to confirm service availability.
- **School Districts.** Local school districts can require construction of sidewalks and other planning features to accommodate children walking to and from school and can request rulings on issues impacting their district.

## Glossary of Commonly Used Terms

### **120-Day Clock**

The 120-day permit application review process, which means that most permit applications will be processed within 120 days of County review time.

### **Consistency determination**

A review made by PDS to determine whether the development proposal is consistent with County development regulations.

### **DNS**

A SEPA Determination of Non-Significance. The written decision that a proposal will not have a significant environmental impact and no Environmental Impact Statement is required.

### **DS**

A SEPA Determination of Significance. The written decision that a proposal could have a significant adverse environmental impact and requires an Environmental Impact Statement.

### **Environmental Impact Statement (EIS)**

A document intended to provide impartial discussion of significant environmental impacts that may result from a proposed development project or programmatic action. The purpose of the EIS document is to provide government decision-makers with information to be considered prior to determining a project's acceptability.

### **GMA**

Growth Management Act. The primary goal of the GMA is to encourage each local government to develop a long-range growth plan that states the vision of the community's future and provides a clearly defined action strategy

for achieving it. Snohomish County, along with each of its cities and towns, is required to adopt a new comprehensive plan under the provisions of the 1990 Growth Management Act (amended in 1991). The GMA requires that these new plans include elements addressing land use, transportation, housing, capital facilities and utilities. In addition, the GMA requires that incorporated and unincorporated areas of Snohomish County accommodate a proportionate share of the state's projected 20-year population growth.

### **SEPA**

State Environmental Policy Act. The state law passed in 1971 requiring state and local agencies to consider environmental impacts in the decision-making process. A threshold determination must be made for all projects or actions which require a permit, license or decision from a government agency, unless the action is exempt from SEPA. If the action does not have significant adverse environmental impacts, a DNS is issued. If the action or project could have significant impacts, a DS is issued and an EIS is required.

### **Subdividing**

If you intend to sell, lease, rent or give away a portion of your property as a separate parcel or lot, you are creating a land division. If you are dividing the property into more than four separate parcels, it is called a subdivision. Subdivisions fall under the 120-day clock. If you are dividing the property into four or fewer parcels, it is called a short subdivision. The short subdivision permit review process is not subject to the 120-day clock.

### **Threshold determination**

The SEPA DS or DNS regarding a project's environmental impact.

## Department Directory

### **PDS Customer Service**

**425-388-3311**

**[www.co.snohomish.wa.us/pds/index.htm](http://www.co.snohomish.wa.us/pds/index.htm)**

### **Planning Services**

Hours: 8 a.m.-5 p.m.

4th Floor, Administration Building  
3000 Rockefeller Avenue, Everett 98201  
[www.co.snohomish.wa.us/pds/planning/index.htm](http://www.co.snohomish.wa.us/pds/planning/index.htm)

Visit our Planning Services Counter for long-range comprehensive land use planning assistance for the following:

- Agricultural Preservation
- Block Grants
- Cartography
- Cultural & Historic Resources
- Demographics
- Groundwater Management
- Growth Management
- Housing
- Resource Planning

### **Development Services**

5th Floor, Administration Building  
3000 Rockefeller Avenue, Everett 98201  
<http://www.co.snohomish.wa.us/pds/Land%20Use/index.htm>

Visit our Development Services Permit Counter for general information about the following:

- Accessory Apartments
- Boundary Line Adjustments
- Building Permits
- Conditional Use Permits
- Plats
- Plumbing Permits
- Rezones & Zoning
- SEPA Checklists
- Shoreline Management Permits
- Temporary Dwellings
- Variances
- Wetlands

Call the following numbers for additional information:

- Addressing ..... 425-388-3709
- Building Inspections ..... 3632
- Code Enforcement ..... 3650
- Fire Marshal ..... 3557
- Fire Inspector ..... 3557
- Inspection Request Line ..... 3338
- Right-of-way & utility inspections ..... 3385

*This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to the Snohomish County Code.*